

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

SKY MIGUEL LITTLE  
COYOTE, SR.,

Plaintiff,

vs.

ROSEBUD COUNTY DETENTION  
FACILITY, ROSEBUD COUNTY  
SHERIFF'S OFFICE, and MONTANA  
SIXTEENTH JUDICIAL DISTRICT  
COURT,

Defendants.

CV 19-145-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on November 12, 2020. (Doc. 12). The Magistrate recommended that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief could be granted and failure to amend the complaint. (Doc. 12 at 2). Furthermore, the Magistrate recommended that, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, any appeal of the Magistrate's decision would not be taken in good faith and, pursuant to 28 U.S.C. § 1915(g), the docket should reflect that the dismissal counts as a strike due to Defendant's failure to state a claim.

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and

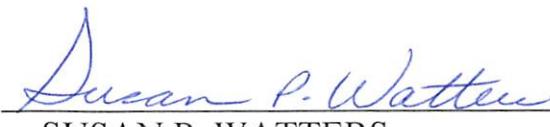
Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 12) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the matter shall be DISMISSED, the Clerk of Court shall enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, and the Clerk shall have the docket reflect this strike against the Defendant pursuant to 28 U.S.C. § 1915(g), as well as reflecting that any appeal of this decision shall not be taken in good faith, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure.

DATED this 1<sup>st</sup> day of December, 2020.

  
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SUSAN P. WATTERS  
United States District Judge